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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SAN JOSE DIVISION

ARIEL ABITTAN,

Plaintiff,

vs.

LILY CHAO (a/k/a TIFFANY CHEN, a/k/a YUTING CHEN), DAMIEN DING (a/k/a DAMON LEUNG, a/k/a DAMIEN RAY DONOVAN, a/k/a TAO DING), and TEMUJIN LABS INC. (a Cayman Islands corporation)

Defendants.

Case No. 5:20-CV-09340-NC

JOINT STATUS UPDATE

Complaint Filed: December 24, 2020

Judge: Hon. Nathanael Cousins

Pursuant to this Court’s May 2, 2022 paperless Order (ECF No. 139), Plaintiff Ariel Abittan (“Plaintiff”) and Defendants¹ jointly submit this Joint Status Update.

A. Plaintiff's Position²

On May 2, 2022, this Court stayed Defendants Lily Chao's and Damien Ding's depositions "based on the pending motions and the global mediation being planned in State Court." [ECF No.

¹ Plaintiff named the Defendants as follows in the caption: Defendants Lily Chao (a/k/a Tiffany Chen, a/k/a Yuting Chen) (“Chao”), Damien Ding (a/k/a Damien Leung, a/k/a Tao Ding) (“Ding”), and Temujin Labs Inc., a Cayman Islands corporation (“Temujin Cayman”).

² Plaintiff intends to provide an additional update in the Joint Case Management Statement due on August 31, 2022, prior to the Case Management Conference set for September 7, 2022.

1 139]. On May 20, 2022, the Court granted Defendants' motion to dismiss without prejudice. [ECF
 2 No. 141]. On July 5, 2022, Plaintiff filed an Amended Complaint. [ECF No. 149]. On July 26,
 3 2022, Defendants answered Plaintiff's Amended Complaint. [ECF No. 152]. Accordingly, there
 4 are no pending motions in this action.

5 Moreover, in the three months since this Court's order staying Defendants' depositions,
 6 the parties have made incremental progress towards mediation. Defendants have agreed to
 7 produce Defendants Chao and Ding for depositions on identity issues, but those depositions have
 8 not been scheduled. Plaintiff, as well as parties Lu and Fu have filed motions to compel Defendants
 9 to confirm their true identities, and those motions will be fully briefed by August 10, 2022. A
 10 mediator has not been selected, and no additional documents have been exchanged.

11 In short, the timing of the State Action mediation remains uncertain. Nonetheless, Plaintiff
 12 is seeking to prosecute this action with efficient coordination with the State Action mediation, and
 13 Plaintiff intends to provide an additional update with the case management statement prior to the
 14 case management conference.

15 **B. Defendants' Position**

16 Defendants agree that the State Action is moving toward mediation. Pursuant to Judge
 17 Kulkarni's June 27, 2022 Order, the parties in the State Action are in the process of briefing
 18 whether Lily Chao ("Chao") and Damien Ding ("Ding"), cross-defendants in the State Action,
 19 must reveal their Chinese legal names to the opposing parties prior to mediating the State Action
 20 (the "Identity Briefing"). Chao and Ding refused to provide their legal names due to the People's
 21 Republic of China's ("PRC") sweeping ban on private crypto and blockchain businesses, and their
 22 understandable fear of reprisals by the PRC against them and their families still residing in the
 23 PRC should their names be revealed, leaked or otherwise disclosed. Nevertheless, the parties to
 24 the State Action have agreed that regardless of the outcomes of the Identity Briefing, they will
 25 attend a mediation in the State Action (without waiver of any right to appeal the decisions on the
 26 Identity Briefing). The Identity Briefing is currently scheduled for a hearing on August 18, 2022.

27 The parties to the State Action will also likely need to have further discussions regarding
 28 certain document productions prior to engaging in mediation.

1 Pursuant to the Stipulation Re Continuance of Case Management Conference; Order [ECF
2 No. 151], the next Case Management Conference in this case is set for September 7, 2022, with a
3 Joint Case Management Statement due to be filed by August 31, 2022. Defendants will provide a
4 further update regarding the status of mediation in the State Action in the forthcoming Joint Case
5 Management Statement.

6 Dated: August 4, 2022

Respectfully Submitted,

7 /s/ Constantine P. Economides

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